

FILED

MAR 18 2020

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EASTERN DISTRICT OF CALIFORNIA
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7

8 UNITED STATES DISTRICT COURT
9

10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11

12 MATTHEW MULLER, et al., Case No. 2:20-cv-489-EFB
13

14 Plaintiffs, MOTION FOR VOLUNTARY
15
16 v. DISMISSAL WITHOUT
17
18 COUNTY OF SOLANO, et al., PREJUDICE
19

20 Defendants.
21

22 COME NOW the Plaintiffs Matthew Muller and Huei Dai and
23 move the Court to dismiss the instant matter without prejudice.
24 In support of this request, Plaintiffs state as follows:
25

26 1. On March 3, 2020, the complaint initiating this matter

1 was submitted to Stanislaus Correctional Facility officials for mailing.
2

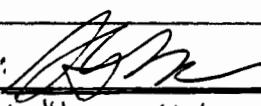
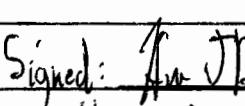
3 2. The complaint was prompted by a March 3, 2020, change in
4 facility policy that made it impossible for the Plaintiff Matthew Muller
5 to comply with this Court's local rules and to fairly litigate another
6 matter before the Court.

7
8 3. March 4, 2020, was the last day on which Plaintiffs could
9 include a California government damages claim that also related to
10 access to court issues. Plaintiffs had filed an administrative claim
11 to preserve remedies, but had not followed up with a court action
12 and had no intent to do so until the recent policy change.
13

14 4. As referenced in a case management statement filed with the
15 complaint, it was a rapidly prepared complaint to avoid exceeding
16 the limitations period. Since that filing, Plaintiffs have determined
17 that the gravamen of their complaint involves injunctive relief better
18 sought in a state court with supervisory authority over the jail for
19 purposes of access to court issues.
20

21 WHEREFORE, the Court should grant the Plaintiffs' request to
22 dismiss this matter without prejudice.

23 Respectfully submitted,
24

25 Dated: March 15, 2020 Signed:  Signed: 
26 Matthew Muller, Pro Se Huai Dai, Pro Se